



Attorney Docket No.: FA/153A

#80
5-2403
001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Halley et al.

) Group Art Unit: 1771

Serial No.: 09/155,041

) Examiner: J. Befumo

Filed: September 17, 1998

) I hereby certify that this correspondence is
) being deposited with the United States Postal
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) P. O. Box 1450, Alexandria, VA 22313-1450
) on May 5, 2003

For: Water Vapor Permeable Composite
Material

Commissioner of Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Beverly McLennan
Beverly McLennan

May 5, 2003
(date of mailing document)

RESPONSE TO OFFICE ACTION DATED DECEMBER 10, 2002

Dear Sir:

In response to the Office Action mailed on December 10, 2002, applicants present the following remarks.

Claims 1-17, 19-21, 23-29 and 58-61 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-5, 8, 11, 14-20, and 23 of U.S. Patent No. 5,948,707. Moreover, claim 22 is objected to as being dependent upon a rejected base claim.

Applicants submit that the obviousness-type double patenting rejection should be withdrawn since the cited patent and the current application are not commonly owned. U.S. Patent No. 5,948,707 is assigned to Gore Enterprise Holdings, Inc., whereas the current application has been assigned to W. L. Gore & Associates (UK) Ltd. (recordation date of March 4, 1999, reel 9815/frame 0488.) Furthermore, the current application is based upon International - 1Application PCT/GB97/02172, which has an International filing date of August 12, 1997. Thus, U.S. Patent No. 5,948,707 is not a valid reference against the current application.

Applicants note the attachment of a Supplemental Information Disclosure Statement which brings to the attention of the Office various documents which have been brought to applicants' attention in an opposition proceeding brought against the corresponding European patent application.

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Should the Examiner have any questions, the Examiner is invited to telephone applicants' undersigned representative.

Respectfully submitted,

Kevin J. Boland, 36.090
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Date: May 5, 2003